

FILED
U.S. DISTRICT COURT
SAVANNAH, GA.
2011 JUN 15 PM 12:16

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

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SO. DIST. OF GA.

TEYON MALIK HERRING,)	
)	
Petitioner,)	CIVIL ACTION NO.: CV508-025
)	
v.)	
)	
UNITED STATES OF AMERICA,)	(Case No.: CR504-11)
)	
Respondent.)	

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections¹ have been filed. In his Objections, Petitioner Teyon Herring ("Herring") mainly focuses on grounds which he feels could have been set forth in a pre-trial motion to suppress and whether his guilty plea was entered into knowingly and voluntarily. Herring's allegations in these regards are not presently before the Court, and, as the Magistrate Judge noted, the undersigned previously determined that Herring's guilty plea was made knowingly and voluntarily. It is important to note that, even though Clyde Taylor withdrew the motion to suppress, he was willing to investigate Herring's assertions of police misconduct and to go forward on that theory in a motion to *dismiss* (rather than in

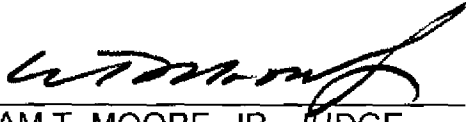
¹ Herring filed Objections to the Magistrate Judge's Report and Recommendation, as did Herring's attorney, Vince Settle. While the Court is under no obligation to review Herring's Objections because he is represented by an attorney, L.R. 83.6(d), the undersigned will address those relevant portions of Plaintiff's Objections. The undersigned has ignored the videotape Herring submitted, as the contents bear only on suppression issues which are not presently before the Court.

a motion to suppress) if any concrete evidence had been found; however, Mr. Taylor testified that no evidence which could be used in court presented itself. Herring's relevant assertion that he feels that he was not provided with effective assistance regarding his decision to plead guilty and was prejudiced by that ineffective assistance is unsupported and without merit.

The Objections filed by Herring's attorney are equally without merit. Mr. Settle appears to object to the Magistrate Judge's factual findings in this case, yet, the Magistrate Judge, as the factfinder at the evidentiary hearing on February 15, 2011, was able to weigh the credibility of the witnesses. Herring's counsel has presented nothing which would cause the undersigned to evaluate the Magistrate Judge's findings in this regard.

Herring's and his counsel's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Herring's claim that his attorney, Clyde Taylor, was ineffective by coercing him to plead guilty is **DENIED**. Herring's motion to vacate, set aside, or correct his sentence, filed pursuant to 28 U.S.C. § 2255, is **DENIED** in its entirety. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 15th day of JUNE, 2011.


WILLIAM T. MOORE, JR., JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA